

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

IRONWORKERS, LOCAL 433

and

Case 21-CB-129959

SOTERO M. LOPEZ

ORDER¹

The Union's motion to quash subpoena duces tecum B-1-J8DLKP is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Union has failed to establish any other legal basis for revoking the subpoenas.² See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 4, 2015

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Union asserts, among other things, that the evidence sought by the subpoena does not exist. However, the subpoena directs the Union's custodian of records to appear before the Regional Director or her designee to testify and produce any responsive documents. If no evidence responsive to any portion of the subpoena exists, the custodian of records must provide sworn testimony to that effect, including a description of the Union's efforts to identify and locate such evidence.

In addition, the Union contends that the subpoena should be quashed because it is duplicative of an August 4, 2014 subpoena issued by the Region that is still outstanding. However, the Region indicates in its opposition brief that it "reissued" the August 4 subpoena in the form of the current subpoena in response to the Union's objection that the Region had failed to serve a copy of the August 4 subpoena on its legal counsel. Accordingly, as the Region is not seeking compliance with the August 4 subpoena, we find no merit in the Union's argument.